UNITED STATES PATENT AND TRADEMARK OFFICE

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12/627,888	11/30/2009	Jun-Hyung KIM	671-22 (MJ 200910-017-1)	4898

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EXAMINER
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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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Ex parte JUN-HYUNG KIM, SUNG-OH HWANG, JI-EUN KEUM,
HO-YEON PARK, and BO-SUN JUNG

_____

Appeal 2016-004870
Application 12/627,888[1]
Technology Center 2400

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Before BRADLEY W. BAUMEISTER, JOSEPH P. LENTIVECH, and
NABEEL U. KHAN, *Administrative Patent Judges.*

LENTIVECH, *Administrative Patent Judge.*

DECISION ON APPEAL

Appellants seek our review under 35 U.S.C. § 134(a) of the
Examiner's final rejection of claims 1–15 and 17–19. Claims 16 and 20
have been canceled. *See* App. Br. 11, 13 (Claims App'x). We have
jurisdiction over the pending claims under 35 U.S.C. § 6(b).

We reverse.

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[1] According to Appellants, the real party in interest is Samsung Electronics
Co., Ltd. App. Br. 1.

<div align="center">STATEMENT OF THE CASE</div>

<div align="center">*Appellants' Invention*</div>

Appellants' invention generally "relates to content providing services, and more particularly, to the selection of a Content Delivery Network (CDN) based on user location." Spec. ¶ 1. A service request message is received from a user device and the CDN is selected based on user location information included in the request. Spec., Abstract. Claim 1, which is illustrative, reads as follows:

> 1. A method for selecting a Content Delivery Network (CDN) for Internet Protocol (IP)-based services at an IP controller, comprising the steps of:
>
> receiving, by the IP controller, a service request message from a user, wherein the service request message comprises location information of the user and session description information of the service;
>
> selecting, by the IP controller, the CDN from a plurality of CDNs in accordance with the location information of the user, wherein the IP controller is outside of the plurality of CDNs; and
>
> transmitting, by the IP controller, the service request message to a control function module of the CDN for connection of a corresponding delivery function module of the CDN to the user,
>
> wherein the control function module is configured to select the corresponding delivery function module based on the location information of the user and the session description information of the service.

<div align="center">*References*</div>

The Examiner relies on the following prior art in rejecting the claims:

Foti et al.	US 2009/0147779 A1	June 11, 2009
Siegel et al.	US 2009/0191873 A1	July 30, 2009

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Narkar et al.	US 2010/0208648 A1	Aug. 19, 2010
Boni et al.	US 2011/0064205 A1	Mar. 17, 2011
Li et al.	US 2011/0078327 A1	Mar. 31, 2011

Rejections

Claims 1–5, 9–11, 13, 15, 17, and 19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Boni and Li. Final Act. 2–5.

Claims 6, 7, and 18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Boni, Li, and Narkar. Final Act. 5–8.

Claim 8 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Boni, Li, Narkar, and Siegel. Final Act. 8–9.

Claims 12 and 14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Boni, Li, and Foti. Final Act. 9–10.

CONTENTIONS

Appellants contend the combination of Boni and Li fails to teach or suggest "transmitting, by the IP controller, the service request message to a control function module of the CDN for connection of a corresponding delivery function module of the CDN to the user," as recited in claim 1. App. Br. 4–5; Reply Br. 2–3.

Regarding the disputed limitation, the Examiner finds:

> According to the claim language, a delivery function module is the element that is be[ing] selected by the control function module based on the location information of the user and the session description information service. Looking to [Boni] fig 8 and paragraph 0047 for example, Boni teaches an Emergency Services Routing proxy (ESRP) which can be the

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claimed IP controller which selects a PSAP using LoST server (which can be control function module) based on session description information of the service (for example the identifier "urn:service:sos" within the request message) and the geographic location of user device. Therefore, the PSAP is mapped to the delivery function module since it is the element that been selected by the control function module as claimed.

Ans. 12.

Appellants contend Boni fails to teach or suggest the disputed limitation because Boni does not teach that the ESRP, which the Examiner identifies as corresponding to the claimed "IP controller," transmits the message to the LoST server, which the Examiner identifies as corresponding to the recited "control function module," for connection of the PSAP, which the Examiner identifies as corresponding to the claimed "delivery function control module," to the user, as required by claim 1. Reply Br. 3.

ANALYSIS

We agree with Appellants. Boni teaches that the ESRP receives a SIP message including information identifying the SIP message as a request for emergency service and information identifying the location of a user. Boni ¶ 45. Boni teaches that the ESRP queries a LoST server to identify a PSAP to which the SIP message is to be routed. Boni ¶ 47. Boni teaches that the ESRP subsequently routes the SIP message to the identified PSAP. Boni ¶ 52. As such, the Examiner's findings are insufficient to show that the combination of Boni and Li teaches or suggests the disputed limitation.

Accordingly, we are constrained by the record not to sustain the Examiner's rejection of claim 1; of independent claims 15, 17, and 19,

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which recite corresponding limitations; or of claims 2–5, 9–11, and 13, which depend from claim 1.

Claims 6–8, 12, 14, and 18 stand rejected under 35 U.S.C. § 103(a) based on Boni, Li, and various additional references. Each of claims 6–8, 12, 14, and 18 depends, directly or indirectly, from one of independent claims 1 and 17. The Examiner has not established on this record that the additional references relied on in rejecting these claims cure the deficiencies of Boni as set forth above with respect to the independent claims. Accordingly, we do not sustain the Examiner's § 103 rejections of claims 6–8, 12, 14, and 18 for the reasons discussed *supra*.

DECISION

We reverse the Examiner's rejections of claims 1–15 and 17–19 under 35 U.S.C. § 103(a).

REVERSED